

**Notice of Allowability**

Application No.

09/817,535

Examiner

Robert M. Pond

Applicant(s)

FRANCO, HECTOR

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicant's amendment (2/24/06) and Examiner's Amendment (Paper #20060804).
2. ☒ The allowed claim(s) is/are 23-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 20060804.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060806.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

*Robert M. Pond*  
Primary Examiner

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

#### **Authorization**

Authorization for this examiner's amendment was provided by Mr. Hector Franco, Applicant, on 06 August 2006.

#### **Allowed Claims**

Claims 23-34 are allowable over the prior art of record. Claims 1-22 were previously canceled.

#### ***In the Claims***

The claims as filed 24 February 2006 have been amended as follows:

- Claims 1-22 were previously canceled.
- Delete claim 23 in its entirety and insert therefore:
  - -Claim 23. A computer-assisted method of managing an inventory associated with product distribution and facilitating a transfer of purchases to each of a plurality of consumers, the method comprising:

on a computer system, for said each of a plurality of consumers:

associating a plurality of items with each other, wherein each of the associated plurality of items is ordered by said each of the plurality of consumers from a different one of a plurality of merchants;

identifying a temporary storage facility proximate to said each of a plurality of consumers, from which the associated plurality of items can be transferred to said each of a plurality of consumers;

identifying a date and time for transferring the associated plurality of items to said each of a plurality of consumers;

on the computer system, for said each of a different one of a plurality of merchants:

estimating a transportation time for said each of the associated plurality of items ordered by said each of a plurality of consumers from said each of a different one of a plurality of merchants to be transported to the identified temporary storage facility;

based at least on the estimated transportation time and the identified date and time, synchronizing a shipment of said each of the associated plurality of items from the point of origin to the identified temporary storage facility in accordance with a just-in-time schedule compliant with the identified date and time for transferring the associated plurality of items to said each of a plurality of consumers; and

for said each of a plurality of consumers:

receiving said associated plurality of items at the identified temporary storage facility;

based at least on the association of the items on the computer system, physically aggregating the associated plurality of items at the identified temporary storage facility; and

transferring the physically aggregated associated plurality of items to said each of a plurality of consumers.- -

- Claim 24, line 1, before “plurality” insert therefore: - -associated- -
- Claim 24, line 2, before “consumer” delete “the” and insert therefore: - -  
said each of a plurality of consumers- -
- Delete Claim 26 in its entirety and insert therefore:  
- -Claim 26. The method of Claim 25, wherein identifying a temporary storage facility proximate to said each of a plurality of consumers, further comprises:  
presenting to said each of a plurality of consumers at least one temporary storage facility proximate to said each of a plurality of consumers at which said each of a plurality of consumers can receive the associated plurality of items;  
obtaining from said each of a plurality of consumers a selection of one of the temporary storage facilities; and

notifying said each of a different one of a plurality of merchants of the identity of the temporary storage facility selected by said each of a plurality of consumers.- -

- Delete Claim 27 in its entirety and insert therefore:

- -Claim 27. The method of Claim 26, wherein identifying the date and time for transferring the associated plurality of items to said each of a plurality of consumers, further comprises

receiving from said each of a plurality of consumers, an identification of the date and time at which said each of a plurality of consumers will expect to receive the associated plurality of items.- -

- Delete Claim 28 in its entirety and insert therefore:

- -28. The method of Claim 27 wherein on the computer system for said each of a different one of a plurality of merchants, said synchronizing further comprises:

associating the items ordered by said each of a plurality of consumers from said each of a different one of a plurality of merchants in a plurality of groups whereby the items in each group are destined for the same identified temporary storage facility and have similar dates and times for transferring the items to the respective consumers; and

based at least on the estimated transportation time and the identified date and time for transfer, synchronizing the shipping of the items in said each group from the point of origin to the respective identified temporary storage

facility in accordance with a just-in-time schedule compliant with the identified date and time for transferring the associated plurality of items to said each of a plurality of consumers.- -

- Delete Claim 29 in its entirety and insert therefore:

- -29. The method of Claim 28, further comprising

providing said each of a different one of a plurality of merchants target shipping dates, times, and schedules for the items in said each group, compliant with the identified date and time for transferring the associated plurality of items to said each of a plurality of consumers.- -

- Delete Claim 30 in its entirety and insert therefore:

- -30. The method of Claim29, further comprising

providing each temporary storage facility:

an identification of the shipping schedule of each group of items destined to that facility;

an identification of the items in said each group; and

aggregation instructions to aggregate the items in the groups received in accordance with the association of items in the computer system for said each of a plurality of consumers.- -

- Delete claim 31 in its entirety and insert therefore:

- -31. The method of Claim 30, wherein transferring the physically

aggregated plurality of items to said each of a plurality of consumers

comprises having said each of a plurality of consumers pick up the physically aggregated items at the temporary storage facility.- -

- Delete Claim 32 in its entirety and insert therefore:

- -32. The method of Claim 31, further comprising

reminding said each of a plurality of consumers of the selected date and time to pick up the physically aggregated items at the temporary storage facility.- -

- Delete Claim 33 in its entirety and insert therefore:

- -Claim 33. The method of Claim 30, wherein transferring the physically aggregated items to said each of a plurality of consumers comprise sending the physically aggregated items to said each of a plurality of consumers from the temporary storage facility.- -

- Delete Claim 34, in its entirety and insert therefore:

- -Claim 34. The method of Claim 33 further comprising

instructing a delivery service to pick up the physically aggregated items at the temporary storage facility and to deliver the physically aggregated items to said each of a plurality of consumers.- -

### ***In the Specification***

The Specification as entered 25 May 2001 is amended as follows:

- Page 33, line 26, delete "which"
- Page 33, line 28, delete "which"

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- Page 59, line 13, delete "judgement" and insert therefore: - -judgment- -
- Page 63, line 13, delete "215;" and insert therefore: - -215,- -
- Page 68, line 18, delete "OAIMS 111" and insert therefore: - -OIMS 111- -
- Page 83, line 25, after "adaptive closed loop controller" insert therefore:  
- - 2836- -
- Page 84, line 20, delete "2806" and insert therefore: - -2836- -
- Page 84, line 21, delete "2802" and insert therefore: - -2832- -
- Page 84, line 21, delete "2801" and insert therefore: - -2831- -
- Page 84, line 22, delete "2801" and insert therefore: - -2831- -
- Page 84, line 28, delete "2806" and insert therefore: - -2836- -
- Page 85, line 5, delete "2807" and insert therefore: - -2837- -
- Page 85, line 6, delete "2807" and insert therefore: - -2837- -
- Page 85, line 11, delete "2806" and insert therefore: - -2836- -
- Page 85, line 12, delete "2802" and insert therefore: - -2832- -
- Page 85, Line 15, after "Look Forward Interval" insert therefore: - -2833- -
- Page 85, line 17, delete "2806" and insert therefore: - -2836- -
- Page 85, line 19, after "Look Forward Interval" insert therefore: - -2834- -
- Page 85, line 29, delete "2806" and insert therefore: - -2836- -
- Page 85, line 30, delete "2805" and insert therefore: - -2835- -
- Page 86, line 2, delete "2805" and insert therefore: - -2835- -
- Page 86, line 3, delete "2807" and insert therefore: - -2837- -
- Page 86, line 5, delete "2807" and insert therefore: - -2837- -



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- Page 86, line 5, delete "2808" and insert therefore: - -2838- -
- Page 86, line 7, delete "2807" and insert therefore: - -2837- -
- Page 86, line 13, delete "2807" and insert therefore: - -2837- -
- Page 86, line 14, delete "2806" and insert therefore: - -2836- -
- Page 86, line 15, delete "2807" and insert therefore: - -2837- -
- Page 86, line 16, delete "2808" and insert therefore: - -2838- -
- Page 86, line 18, delete "2807" and insert therefore: - -2837- -
- Page 87, line 3, delete "2806" and insert therefore: - -2836- -
- Page 87, line 4, delete "2807" and insert therefore: - - 2837- -
- Page 87, line 5, delete "2805" and insert therefore: - - 2835- -
- Page 87, line 6, delete "2807" and insert therefore: - - 2837- -
- Page 88, line 26, delete blank line 26
- Page 92, line 1, after "Unique Items Shop" delete "3005"
- Page 92, line 4, after "Unique Items Shop" delete "3005"

### ***In the Drawings***

The following changes to the drawings entered on 26 March 2001 (54 sheets) have been approved by the Examiner and agreed upon by the Applicant:

In Figure 28B, delete reference characters "2801" through "2808" and replace with reference characters "2831 through "2838" respectively.

In order to avoid abandonment of the application, Applicant must make these above agreed upon drawing changes. Please submit a revised drawing for Figure 28B with the noted corrections.

### ***Reasons for Allowability***

The following is an examiner's statement of reasons for allowance: The field of the invention pertains to a method and system for improving efficiency and reducing the cost of distributing and selling products to consumers.

Pertaining to method claim 23, no prior art of record discloses nor teaches and suggests the combination of providing multi-dimensional coordination of items ordered from a plurality of consumers a) wherein each consumer orders a plurality of items from among different merchants, b) the system estimates for each merchant transportation time for item point of origin for each merchant's shipments of items to each identified temporary facility proximate to each consumer, c) aggregating each consumer's associated items received from among different merchants at the identified temporary storage facility, and d) coordinating transfer of each aggregated order to the respective consumer at the identified temporary storage facility based on date and time constraints.

***Closest Prior Art******US Patent Prior Art***

Yamada (US 6,336,100) (as cited) discloses an online shopping system and method connecting a plurality of online consumer terminals to a plurality of virtual stores via the Internet as a communication system. Yamada discloses a consumer designating a convenience store as a delivery location convenient to the consumer for package pick-up. While Yamada discloses a consumer making a purchase and selecting a temporary storage facility convenient to the consumer, Yamada fails to disclose or suggest the consumer ordering a plurality of items from among a plurality of different merchants and having each merchant's shipment delivery synchronized with other merchant deliveries in order to be compliant with date and time constraints used to coordinated each consumer's aggregated order at the identified temporary storage location proximate to the consumer.

Prior art of note includes the following:

- US 5,186,281 (Jenkins) which discloses a method of retail checkout.
- US 5,595,264 (Trotta, Jr.) which discloses a system and method of a catalog showroom using bar code scanners for item selection.
- US 5,158,155 (Domain) which discloses a vendor's structural complex.

*Non-patent Literature Prior Art*

Comбини (as cited) discloses Internet retailing that provides payment and pick-up convenience for online shoppers for a plurality of purchased items at alternate delivery locations that are convenient for the online shopper. For the same reasons as noted above, Comбини fails to disclose or suggest the claimed invention.

Netship (as cited) discloses a consumer pick-up location convenient to the consumer and picking up items but fails to provide a remedy for Comбини. The combination of Comбини and Netship does not disclose or suggest synchronizing associated items of each consumer's order from among a different one of a plurality of merchants to a temporary storage facility wherein each consumer's associated items are aggregated for transfer to the respective consumer based on date and time constraints.

*Foreign Patent Prior Art*

Foreign patent prior art databases were used extensively during searches conducted in EAST throughout prosecution of this application. Foreign patent prior art of interest was reviewed but none was relied upon during prosecution of this application.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Robert M. Pond  
Primary Examiner  
August 4, 2006